

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F037336      People v. Warren**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F037336      People v. Warren**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F037986      In re Steven P., a Minor**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F037986      In re Steven P., a Minor**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F036446      People v. Francis**

The conviction pursuant to section 148 for misdemeanor resisting arrest is reversed. The sentence is vacated and the matter remanded for resentencing. In all other respects, the judgment is affirmed.  
Cornell, J.

We concur: Dibiaso, Acting P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F038447      In re Baby Boy G., et al.,**

**F038449      In re Jose T., et al.,**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F038447      In re Baby Boy G., et al.,**

**F038449      In re Jose T., et al.,**  
The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035834      People v. Parker**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F035672      People v. Valdez, Jr.**

The judgment is reversed. Vartabedian, J.

We concur: Ardaiz, P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F034957      People v. Hernandez**

The judgment is reversed as to the firearm enhancement which defendant received for having “intentionally and personally discharged” a firearm while committing the second degree robbery, and the matter is remanded to the trial court for disposition of that enhancement allegation and resentencing overall. In all other respects the judgment is affirmed. Vartabedian, J.

We concur: Ardaiz, P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F033560      People v. Parker**

The conviction of count III is reversed. The trial court is directed to prepare an amended abstract of judgment reflecting this reversal and that the determinate term shall be served to the indeterminate term beginning to run. In all other respects the judgment is affirmed. Buckley, J.

We concur: Ardaiz, P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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**F039720      Holm v. City of Taft**

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F034619      People v. Vang et al.,  
F035246      In re Sue Thao On Habeas Corpus**

As to appellant Ger Lee the judgment is affirmed.

As to appellant Pao Vang the judgment is affirmed.

As to appellant Hua Vang the judgment is modified to impose a total restitution fine under section 1202.4 in the amount of \$10,000 and a stayed fine in equal amount under section 1202.45. As so modified the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting such modification and provide a copy to all appropriate authorities.

As to appellant and petitioner Sue Thao the judgment is affirmed; the petition for writ of habeas corpus is denied. Harris, J.

We concur: Ardaiz, P.J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F035860      People v. Coles**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F035928      People v. Brewton**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F035928      People v. Brewton**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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**F037364      People v. Jackson**

The judgment is reversed. The matter is remanded to the trial court to conduct the necessary in camera hearing followed by an open adversarial hearing pursuant to Evidence Code sections 915, subdivision (b), and 1040. If the trial court finds that the information contains no material, exculpatory evidence, then the court is directed to deny defendant's discovery request and reinstate the judgment.

In light of this opinion, defendant's motion for summary reversal is denied as moot. Vartabedian, J.

We concur: Ardaiz, P.J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F038085      Braden, et al. v. Lake Shelling Co., Inc., et al.**

**F038967      Braden, et al. v. Loube, et al.**

**F039458      Braden v. Lake Shelling Co., Inc.**

Appellant's motion to consolidate the above-entitled cases is granted.

**F039253      People v. Garcia**

No brief having been filed by appellant after notice duly given under rule 37(b) of the California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F036640      People v. Davis, Jr.**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F035949      People v. Elliott**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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**F033867      People v. Alvarez**

The judgment is affirmed. Buckley, J.

We concur: Ardaiz, P.J.; Harris, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F038006      People v. Herring**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F038006      People v. Herring**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F038533      Palmer et al. v. Zaklama et al.**

It is hereby ordered that the January 7, 2002 order dismissing the appeal is vacated. The appeal is ordered reinstated and restored to active status.

Appellants have 30 days from the date of this order in which to file their opening brief.